

William M. Simpich, Esq., SB#106672
Law Offices of William M. Simpich
1736 Franklin Street, 10th Floor
Oakland, CA 94612
Telephone (510) 444-0226
Facsimile (510) 444-1704

Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PHILLIP MOCEK,)
)
Plaintiffs,)
)
v.)
)
CITY OF ALBUQUERQUE,)
ALBUQUERQUE AVIATION)
POLICE DEPARTMENT,)
MARSHALL KATZ, in his official)
capacity as Chief of Police of)
The Albuquerque Aviation Police)
Department, JONATHAN)
BREEDON, GERALD ROMERO)
ANTHONY SCHREINER,)
ROBERT F. DILLEY a/k/a BOBBY)
DILLEY, LANDRA WIGGINS,)
JULIO DE LA PENA, and DOES)
1-25 inclusive,)
)
Defendants,)
)
_____)

Case No. 11-1009-JB-KBM

**TABLE OF AUTHORITIES IN
SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS AND REQUEST
TO FILE AMENDED COMPLAINT**

TABLE OF AUTHORITIES

	<u>Page</u>
<u>Cases:</u>	
<i>Barber v. City of Salem, Ohio</i> , 953 F.2d 232, (6th Cir. 1992)	23
<i>Cooper v. Dupnik</i> , 963 F.2d 1220 (9thCir. 1992) (en banc)	22
<i>DeLoach v. Bevers</i> , 922 F.2d 618 (10th Cir.1990)	19
<i>Dellums v. Powell</i> , 566 F.2d 167 (D.C. Cir. 1977)	19
<i>Geter v. Fortenberry</i> , 849 F.2d 1550 (5th Cir. 1988)	18
<i>Glasson v. Louisville</i> , 518 F.2d 899 (6thCir. 1975)	19
<i>Klen v. City of Loveland</i> , 661 F.3d 498, 508 (10th Cir. 2011)	18
<i>Marland v. Heyse</i> , 315 F.2d 312 (10th Cir. 1963)	21
<i>Medina vs. City and County of Denver</i> , 960 F.3d 1493 (10th Cir. 1992)	23
<i>Rakovich v. Wade</i> , 850 F.2d 1180 (7th Cir. 1988) (en banc)	19
<i>Sevigny v. Dicksey</i> , 846 F.2d 953 (4thCir. 1988)	20
<i>Sloman v. Tadlock</i> , 21 F.3d 1462 (9thCir. 1994)	19
<i>Tobey v. Jones</i> , 2013 WL 286226 (4thCir. 2013)	20, 21
<i>Winters v. Board of County Commissioners</i> , 4 F.3d 848 (10th Cir. 1993)	18
<u>Statutes:</u>	
U.S. Constitution - Amendment 1	14-21
U.S. Constitution - Amendment 4	15-21
U.S. Constitution - Amendment 6	18, 20
U.S. Constitution - Amendment 14	21
<u>Codes:</u>	
CC § 1983	19

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: March 28, 2013

/s/
WILLIAM M SIMPICH

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28